MARCH-APRIL 2003 COURT NEWS

In the News

Safe Haven for Seniors

The elderly can feel a little safer, thanks to a court in Alameda County committed to meeting their legal needs.

An article in the January 6 editions of the Contra Costa Times and San Ramon Valley Times featured an Oakland courtroom that is helping protect seniors. The stories describe the courtroom-presided over by Judge Julie Conger-and its calendar dedicated to elder abuse cases. Court staff flag these cases when they are filed, and the litigants are introduced to Judge Conger's courtroom. These seniors are abused and confused. Often they are seeking restraining orders against the people who are supposed to be taking care of them.

The article discusses a relatively new elder abuse law and the rise in elder abuse filings. Nearly 200 cases were reported in Alameda County in fiscal year 2001–2002—a 393 percent increase from the previous year.

The publicity given to the court enables more abused senior citizens to take advantage of the specialized calendar and raises public awareness of the court's efforts to reach out to the community.

Other stories in the news:

'Interpreter Serves Vital Function,' Modesto Bee, February 23, 2003

Decribed the need for skilled court interpreters in Stanislaus

County and mentioned the state Judicial Council's list of certified interpreters.

'Court Launches Small Claims Web Site,' Westside
Advance (Kerman), February
19, 2003

Announced the Superior Court of Fresno County's new interactive Web site that helps litigants complete court forms in small claims actions.

'Homeless Court Offers Gentle Justice,' Sacramento Bee, February 15, 2003

Featured the Superior Court of San Diego County's Homeless Court, which helps homeless litigants get back on their feet by clearing up minor infractions.

'Court Programs on Hold for Now,' *Desert Sun* (Riverside), February 15, 2003

Praised the Superior Court of Riverside County's Family Assistance Center, and explained that the court's plan to expand the center is on hold due to budget constraints.

'Mock Trial,' Daily Journal (Ukiah), February 9, 2003

Reported on an educational mock trial competition presided over by Superior Court of Mendocino County Judge Cindee Mayfield.

'A Glimpse Into S.J. County Civil,' *News-Sentinel* (Lodi), February 7, 2002, and **'Civil**



An Alameda County courtroom presided over by Judge Julie Conger (center) has a calendar dedicated to elder abuse cases. *Photo: Courtesy of the* Contra Costa Times/*Cindi Christie*

Court System a Unique Entity,' *Tracy Press*, January 27, 2003

Described the small claims court in San Joaquin County and remarked that it is very different from the one seen in the television series *Judge Judy*.

'Court Opens Kids' Room,'
Press Telegram (Long Beach),
February 1, 2003, and 'Opening
of Child Waiting Room,'
Compton Bulletin, January 29,
2003

Announced the opening of the Superior Court of Los Angeles County's latest children's waiting room, located in Compton.

'Strictly Legal: Legal Self-Help Center Opens,' *Goleta Valley Voice*, January 27, 2003

Described a new self-help center in the Superior Court of Santa Barbara County that provides how-to information and can assist users in completing forms.

'Mental Health Court Offers New Beginning,' Independent (San Francisco), January 21, 2003

Reported on the Superior Court of San Francisco County's behavioral health court, which diverts mentally ill defendants away from jails and helps provide them with needed treatment.

'Courtroom to Schoolroom Program Gets Straight A's,' Tracy Press, December 25, 2002

Featured the Superior Court of San Joaquin County's Courtroom to Schoolroom program, which introduces youth to the legal system.

'Professionals in Los Angeles Share in Jury Service,' Long Beach Leader, December 6, 2002

Reported on a study released by the Superior Court of Los Angeles County that concluded that judges, attorneys, and other justice system professionals participate in jury service in nearly the same proportion as does the rest of the population.

AOC Staff Get Taste of Trial Courts

Wouldn't the entire judicial branch benefit if all key staff at the Administrative Office of the Courts (AOC) had actually spent time working in the trial courts? The AOC thinks so. And so do the court executive officers and other staff members of 12 Bay Area and Sacramento-area courts who, in partnership with the AOC, developed the new AOC Staff Training in the Courts program.

The program's goals are to foster collaboration and to expose more AOC staff to trial

court processes and responsibilities. To reduce travel expenses, these 12 courts were approached to help with the pilot program because of their proximity to most AOC employees.

One of the court executive officers who helped to shape the program commented that it is "a crucial step in the evolution of the relationship between the AOC and the trial courts. If we are to exist as one family, we need to close the gap of understanding."

HOW THE PROGRAM WORKS

The pilot program debuts in March with four members of the AOC's Executive Office Programs Division beginning work assignments in San Mateo and Alameda Counties. In sessions lasting a week-and-a-half, pairs of AOC employees will meet with court managers and staff to gain knowledge of caseflow, time requirements, public contact issues, the judicial process, inter-

dependence with other government agencies, and other operational issues. Participants will shadow court staff and participate in the "nuts and bolts" of day-to-day trial court operations, including observing the workflow for significant case types. Training will include, for example, orientation to:

- ☐ Civil case process—filings, case management conferences, alternative dispute resolution, and discovery and settlement proceedings;
- ☐ Criminal case process—arraignments, preliminary hearings, pretrial motions, trials, and sentencings;
- ☐ Assignment of court reporters;
- ☐ Assignment of court interpreters; and
- ☐ Jury process—creation of the master list, summoning, excusals, and paneling.

Three to six months after the initial court training, pro-

gram participants will visit another court of contrasting size to gain a better perspective of how different courts operate.

COORDINATING THE PROGRAM

After evaluating the pilot, the AOC plans to have the Bay Area/Northern Coastal Regional Office manage the initial phase of the training program. That office will enlist a liaison in each court to help arrange the training particulars and to introduce AOC participants to court management and staff.

To keep the program current and meaningful, the AOC will have ongoing discussions with participating courts. If the pilot is successful, the program may be expanded to include the AOC's other regional offices and additional courts.

● For more information, contact Pat Sweeten, Director, AOC's Executive Office Programs Division, 415-856-7560; e-mail: pat.sweeten@jud.ca.gov. ■

Participating Courts

Following are the counties that volunteered to participate in developing the pilot phase of the AOC Staff Training in the Courts program.

Alameda Contra Costa Marin Napa Sacramento San Benito San Francisco San Mateo Santa Clara Solano Sonoma Yolo COURT NEWS ----- MARCH-APRIL 2003

Committed to Justice: Then and Now

New Book Tracks Evolution of Judicial Administration in California

MARK POTHIER

Committed to Justice: The Rise of Judicial Administration in California chronicles "the debates, challenges, setbacks, and victories of the judges, court administrators, attorneys, legislators, and others who together built what today is the largest and most successful court system in the world." The book was published in part to honor the 150th anniversary of the California Supreme Court in 2000, the 75th anniversary of the Judicial Council in 2001, and the 40th anniversary of the Administrative Office of the Courts (AOC) in 2001. The work itself is something of a historic milestone, being the first published history of judicial administration in Cali-

Author Larry L. Sipes, who wrote the manuscript as part of his role as inaugural scholar in residence at the AOC, knew it was a story whose time had come. "My thought originally was that the Judicial Council of California is, in the world of court systems, a rather unique institution, and that the history of the council and how it has grown is a worthy story to tell. To my knowledge, there is no other state court system where the policymaking governing body is multifaceted, with diverse membership like ours; in most states, the Supreme Court is the governing body. California's system is the most attractive alternative."

During his 40-year career in court administration, Mr. Sipes, a native Californian, experienced first-hand much of the history he relates in Committed

to Justice. In the 1960s he worked with Ralph N. Kleps, the first administrative director of the California courts, on the state's Constitution Revision Commission, serving as executive director. Later, Mr. Kleps and then-Chief Justice Donald R. Wright asked him to direct a committee addressing trial court delay. Mr. Sipes went on to become president of the National Center for State Courts and is considered a national leader in the field of court administration.

During his two years of work on Committed to Justice, the book broadened in scope beyond a mere history of the Judicial Council. "So many of the real monuments, particularly during the last 50 years, were the result of collaborations between the judicial branch and other institutions, such as the Legislature or even outside bodiesthere is a multiplicity of contributing forces to each achievement. And once the AOC was created, you then had an entirely new force adding to the momentum. It felt important to capture these dynamics."

Mr. Sipes tracks the evolution of California's courts from their beginnings through the "golden era of court administration in California"—the period from 1950 to 2000 that saw such improvements as the creation of governing institutions, a system for judicial discipline, trial court unification, and state court funding. He then describes a "new judicial branch" emerging into the future.

"If I were to choose one element of change from the judicial branch's history that now is

at the heart of matters, it would be the shift from being a 'passive' institution to one committed to self-governance. My impression is that this realization is still growing, and that the judicial branch-as well as the executive and legislative branches-are reaching accommodation with this new reality: that the court system is an evolved institution that is quite different from days gone by. Of course, we're still in the early days of trial court consolidation, and the fact that the courts throughout the state now look solely to the Capitol for their resources is still very new. But as people embrace this shift of perspective, there will be great opportunities to reinforce that the court system is indeed a single institution acting on its own strategic vision."

Working as a unified body will be key to obtaining the public resources necessary for the judicial branch's support, Sipes says. "The branch as a whole should work collaboratively with members of the Legislature, Governor, and other leaders for a stable, long-range, multiyear funding mechanism to meet the judiciary's current and future challenges. It's a real challenge right now, especially in the context of the current fiscal crisis that not only California but every state is experiencing.

"The 'new judicial branch'—
if I may call it that—has committed itself to a very ambitious set of
goals that clearly will not be
achieved quickly, and there's a
collision between that vision of
governance and existing mechanisms of annual appropriations.
For example: What if one year the



Author Larry Sipes (center) shows off a copy of *Committed to Justice: The Rise of Judicial Administration in California*, the first official history of the California justice system. Mr. Sipes—who wrote the book as part of his role as inaugural scholar in residence at the Administrative Office of the Courts—is congratulated at the California Judicial Administration Conference by Chief Justice Ronald M. George (left) and Administrative Director of the Courts William C. Vickrey. *Photo: Shelly Eades*

Legislature or the Governor decided, in a time of limited resources and competing demands, that the judiciary didn't need self-help centers? That would be a real blow to access to justice, which is the centerpiece of the Judicial Council's and AOC's strategic plan. Clearly there is every reason for the judicial branch to think in terms of securing the realistic levels of resources that will be necessary to enable it to truly pursue its goals without annual fear of interruption."

● For more information on Committed to Justice: The Rise of Judicial Administration in California, including ordering information, visit www.courtinfo.ca .gov/reference/commjust.htm.

Grant Update

COLLABORATIVE JUSTICE COURT GRANTS

The Judicial Council and its Collaborative Justice Courts Advisory Committee in January awarded more than \$1.2 million in grants to California collaborative justice courts. Thirty-five courts submitted grant applications for 47 programs. With additional funding from the Governor's Office of Criminal Justice Planning, grants of \$10,000 to \$60,000 were awarded to all 47 programs that applied.

The grants are part of the Collaborative Justice Drug Courts Project for fiscal year 2002–2003. These reimbursement grants will help fund adult and juvenile mental health courts, homeless courts, domestic violence courts, family treatment courts, balanced and restorative justice programs, and other collaborative justice court programs that include substance abuse treatment or are based on drug court models.

Projects funded include:

- Start-up peer/youth courts in Amador and Shasta Counties;
- ▶ A collaboration of the Superior Courts of El Dorado and Alpine Counties to provide

juvenile drug court case management and treatment options to youth;

- ▶ A dual-diagnosis track for substance abusers with mental health or serious health issues who have cases before the Superior Court of San Francisco Adult Drug Court;
- ▶ A substance abuse track within the Superior Court of San Joaquin County's Domestic Violence Court that targets substance-abusing Hispanic domestic violence offenders; and
- ▶ A substance abuse component within the Superior Court of Alameda County's Civil Domestic Violence Prevention Court.

During the past five years, the Judicial Council and the Collaborative Justice Courts Advisory Committee have awarded more than \$6 million in funding to adult and juvenile collaborative justice courts in California.

● For more information, contact John Burke, Administrative Office of the Courts, 415-865-7613; e-mail: john.burke@jud.ca.gov.

PRO PER PLANNING GRANTS

The Judicial Council approved a one-time \$255,000 grant to assist superior courts in developing and implementing community-

focused action plans and programs to serve self-represented litigants. The courts will use the funds for such items as self-help centers, how-to materials, information booths, enhanced Web sites, and legal education programs for the community.

The amount of funding originally announced for the grant program was decreased because of the reduced judicial branch budget. All the requests for development funds were granted, but only 15 of the 27 requests for implementation grants were approved.

Award recipients are required to complete their projects by May 30, 2004. In addition, before June 30, 2004, they must submit a final report to the Administrative Office of the Courts (AOC) describing how their grants were used and the status of each court's plans for services to self-represented litigants.

● For more information, contact Bonnie Hough at the AOC's Center for Families, Children & the Courts, 415-865-7668; e-mail: bonnie.hough@jud.ca.gov.

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Judge Kenneth M. Kawaichi Receives Access to Justice Award



Judge Kenneth M. Kawaichi

Superior Court of Alameda County Judge Kenneth M. Kawaichi is the 2002 recipient of the Benjamin Aranda III Access to Justice Award. Chief Justice Ronald M. George presented the award to Judge Kawaichi at the California Judicial Administration Conference (CJAC) on February 27 in San Francisco.

Sponsored by the Judicial Council, the State Bar, and the California Judges Association—in association with the California Commission on Access to Justice—the award is presented annually to a trial judge or an appellate justice whose activities demonstrate a long-term commitment to improving access to the courts for low- and moderate-income Californians. It is named for the late Judge Benjamin Aranda III, who was known for his tireless efforts

to promote fairness in and access to the courts.

Judge Kawaichi's long and distinguished career has been dedicated to improving access to the judicial system for disadvantaged Californians. He began this work more than 30 years ago when he represented litigants pro bono in the federal district court for Alameda County Legal Aid. He later served on the board of that organization and chaired the legal panel of the Berkeley-Albany ACLU.

As a judge, he has worked to improve assistance to self-represented litigants and to ensure access to the justice system for those with limited English proficiency. He chaired the Judicial Council's pioneering task force on race and ethnic bias and today chairs that group's successor—the council's

Access and Fairness Advisory Committee. Judge Kawaichi has donated time and energy to the access and fairness committees of many other organizations, starting with his own court. He also spearheaded the creation of the first such committee of the Alameda County Bar and sponsored many innovative projects, including a summer clerkship for minority law students.

Judge Kawaichi's problemsolving approach toward making institutional changes and establishing partnerships with other branches of government and affiliated justice agencies led to key improvements in access to justice for Alameda County citizens. Most notably, he helped create the county's first legal service centers for low- and moderate-income residents and helped organize community outreach forums to address barriers to the judicial system.

Judge Kawaichi has made a significant difference as an educator. He has chaired both the Judicial Support Network and the Center for Judicial Education and Research's Fairness Education Committee. He has also served on the faculties of numerous local, statewide, and national bar and bench associations. Among them are the National Judicial College, the National Consortium of Race and Ethnic Bias Task Forces, the Council of Chief Justices, and the National Center for State Courts.

Prior recipients of the Aranda award include Justice Judith McConnell (1999), Court of Appeal, Fourth Appellate District; Judge Veronica McBeth (2000), Superior Court of Los Angeles County; Judge Charles W. Campbell, Jr. (2001), Superior Court of Ventura County; and Judge Donna J. Hitchens (2002), Superior Court of San Francisco County. ■

Interpreter Status

Continued from page 1

was Superior Court of San Joaquin County Presiding Judge George J. Abdallah, Jr. The workshops provided participants with an outline of actions that needed to take place over the next six months. In addition, conference attendees had an opportunity to express their concerns and raise questions about the legislation.

CIP staff again teamed up with the AOC's Labor and Employee Relations Unit to conduct three Labor Relations Regional Forums in October and November. The forums provided information directly to labor and employee relations representatives from the trial courts of all three regions. AOC and court staffs discussed the impacts of SB 371 on certain key issues, such as employment classification, bargaining structure, and hiring criteria.

In addition to holding ongoing meetings and conference calls with court interpreter coordinators, CIP staff met with the Judicial Council's Court Interpreters Advisory Panel in November to discuss issues surrounding the implementation of SB 371. During the meeting, the panel set goals and restructured its subcommittees to better address current challenges, including those posed by SB 371.

SB 371 IMPLEMENTATION WORKING GROUP

In October CIP staff helped create the Senate Bill 371 Implementation Administrative Working Group to gather data and to advise and provide input to the judicial branch during the implementation process. The group is co-chaired by Susan Hough, the AOC's Human Resources Division director, and

Alan Slater, Executive Officer of the Superior Court of Orange County. It is diverse, representing multiple parties affected by the legislation. The group is made up of court interpreters (including one member from each of the three interpreter associations in California), court executives, court interpreter coordinators, judges, and additional AOC staff.

After several teleconferences, CIP staff staged the first in-person meeting of the working group on January 11 in Southern California. At that meeting, members discussed the gathering of interpreter data, cross-assignment of interpreters, discipline issues, compensation, and the creation of regional employee relations committees.

On January 10-11, members of the working group became the panel for an open forum attended by more than 100 interpreters from many counties. Interpreters participated by preparing questions for the panel on variety of issues affecting their future employment with the courts.

"The input and recommendations provided by the working group as well as other court staff have been extremely helpful," says Mr. Beacon. "We have used this information to help guide the implementation process. It has also allowed us to tailor our trainings and resource materials to meet the needs of the courts."

FAST-TRACK TRAINING

To further educate court staff, the AOC in January held four Fast-Track training sessions across the state to provide practical explanations of what trial courts need to do in order to meet the deadlines established by the legislation. The sessions, which took place in Burbank, Modesto, Sacramento, and San Francisco, included presentations from the

CIP Unit as well as from the AOC's regional human resources analysts, who are familiar with the courts in their regions.

DATA COLLECTION

With input from the courts, the AOC's CIP Unit partnered with the AOC's Research and Planning Unit to develop the Court Interpreters Data Collection System. The system will enable trial courts to keep track of interpreter usage and to determine which interpreters are eligible to be offered employment by the courts in July. In addition, the AOC is working on a Web-based system that the courts can use for the scheduling of interpreters.

NEXT STEPS

There is still much to be done before SB 371 can be fully implemented. At the Judicial Council's February 28 meeting, the CIP Unit presented and obtained approval from the council for two new rules of court and an amendment to rule 984.3. The rules allow for the establishment of Regional Court Interpreter Employment Relations Committees (RCIERCs) and finalize the procedures for crossassigning court interpreters within and across regions.

Under the new rules, the committees-to be made up of a cross-section of trial court representatives-will set the terms and conditions of employment for court interpreters, adopt rules for employer-employee relations, and act as the representatives of the trial courts within their regions in bargaining with recognized unions. The new rules also call for regional interpreter coordinator positions to assist local coordinators in scheduling crossassignments for interpreters appearing in more than one county.

"Developing policies and procedures that will meet the needs of each regional court will be a challenge," says Mr. Drapac, a member of the Senate Bill 371 Implementation Administrative Working Group. "Together with our regional partners, we are regularly in contact with AOC staff to provide input on and obtain direction on how best to implement the provisions of this legislation. Their continued guidance throughout this implementation process is essential."

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RESOURCES

The AOC is continuing its efforts to deliver timely information on the implementation of the bill to court interpreters, presiding judges, court executives, the Court Interpreters Advisory Panel, and the Judicial Council. One of these efforts is the planned distribution of a Frequently Asked Questions and Answers worksheet. The worksheet is a collection of questions posed to the AOC's CIP Unit at every venue where SB 371 was a topic of discussion, from labor forums to the workshops.

In addition to the questionsand-answers document, the AOC's Human Resources Division is collaborating with the Office of the General Counsel to develop a document consisting of the text of SB 371 and a narrative in plainer language. That document is scheduled to be published this spring.

The AOC's Human Resources Division is also developing a model job description and application form for new trial court interpreter employees. The AOC will distribute this application packet to the RCIERCs to aid them in developing their regional policies and procedures.

For more information on the interpreters bill or implementation projects, contact Chris Kingery, AOC's CIP Unit, 415-865-7631; e-mail: chris.kingery @jud.ca.gov. ■